

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
 v. ) CRIMINAL NO. 04-10192-NG  
 )  
 CARLOS RUBEN RIVERA )

DEFENDANT'S ASSENTED-TO REQUEST THAT THE COURT ORDER A  
PRESENTENCE REPORT BE PREPARED IN ADVANCE OF  
ANTICIPATED GUILTY PLEA

Defendant, Carlos Ruben Rivera, intends to tender a guilty plea in this case. However, he hereby requests that a Presentence Report be prepared in this case before the guilty plea is entered. As reasons therefore, defendant states the following:

1. The defendant first appeared in this matter upon his arrest on June 24, 2004. After initially ordering detention, Magistrate Judge Swartwood on September 14, 2004 conditionally released the defendant to his home in New Bedford. The defendant signed an appearance bond in the amount of \$50,000 to ensure his continued appearance. The defendant was also placed on a curfew (monitored by telephone) and was ordered to seek and maintain employment. The defendant has remained in New Bedford, where his wife (from whom his is separated) and two children also live, since that time.
2. Pretrial Services reports that the defendant has been compliant with all of the conditions of release. No new criminal activity has been reported.
3. On January 20, 2005, the government and the defendant reported to Magistrate Judge Swartwood that they anticipated a plea of guilty by the defendant. This Court has scheduled a Rule 11 hearing for April 7, 2005 at 10:00 a.m. Although

the parties do not anticipate that a plea agreement will be filed, negotiations between the government and the defendant envision a period of incarceration of the defendant. The defendant will request a designation to the Bureau of Prisons Northeast Region so that the defendant will be able to maintain contact with his two children.

4. The defendant is charged with three counts. Two of the three counts allege drug violations which trigger the provisions of the Bail Reform Act concerning mandatory detention. The Act requires that the Court, upon finding of guilt, detain the defendant pending sentencing. 18 U.S.C. § 3143(a)(2). Absent a Pre-Plea Presentence Report, defendant will be held in Plymouth County Correctional Center, away from his family and two young children, while the presentence investigation takes place.
5. The government, as well as Pretrial Services, assents to this motion.
6. The defendant agrees that, should the Court allow this motion, the entire period of time commencing on January 20, 2005 and concluding on the date of the defendant's guilty plea subsequent to the pretrial investigation and report is excludable under the Speedy Trial Act.

Wherefore, defendant respectfully requests this Court order the probation department to prepare a Presentence Report in advance of the defendant's expected plea of guilty.

Assented to:

MICHAEL J. SULLIVAN  
United States Attorney

CARLOS RUBEN RIVERA  
By his attorney,

/s/ Timothy G. Watkins o/b/o  
Antoinette Leoney  
Assistant U.S. Attorney  
1 Courthouse Way, 9<sup>th</sup> Floor  
Boston, MA 02210  
Tel.: 617-748-3103

/s/ Timothy G. Watkins  
Timothy G. Watkins  
Federal Defender Office  
408 Atlantic Avenue, 3<sup>rd</sup> Floor  
Boston, MA 02110  
Tel: 617-223-8061